

1 JEFFREY F. KELLER (SBN 148005)

2 jfkeller@kellergrover.com

JADE BUTMAN (SBN 235920)

3 jbutman@kellergrover.com

KELLER GROVER LLP

4 1965 Market Street

5 San Francisco, California 94103

Telephone: (415) 543-1305

6 Facsimile: (415) 543-7861

7 BRIAN MURRAY (*pro hac vice to be filed*)

8 bmurray@murrayfrank.com

LEE ALBERT (*pro hac vice to be filed*)

9 lalbert@murrayfrank.com

GREGORY A. FRANK (*pro hac vice to be filed*)

10 gfrank@murrayfrank.com

MURRAY FRANK LLP

11 275 Madison Avenue, Suite 3300

12 New York, NY 10016

Telephone: (212)682-1818

13 Facsimile: (212)682-1892

14 Attorneys for Plaintiff

15 **IN THE UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17
18 ANTHONY PETRU and MARCUS MATHIS,
19 individually, and on behalf of all others
similarly situated,

20 Plaintiffs,

21 vs.

22 APPLE INC.; HACHETTE BOOK GROUP;
23 HARPERCOLLINS PUBLISHERS, INC.;
PENGUIN GROUP (USA) INC.; and SIMON
& SCHUSTER, INC.,

24 Defendants.
25

Case No. C11-03892 EMC

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

26 *[caption continued on next page]*
27

ANDREAS ALBECK, Individually and on
Behalf of All Others Similarly Situated,
Plaintiff,

Case No. C11-4110 LB

v.

APPLE INC.; HACHETTE BOOK GROUP,
INC.; HARPERCOLLINS PUBLISHERS,
INC.; MACMILLAN PUBLISHERS, INC;
PENGUIN GROUP (USA) INC.; and SIMON
& SCHUSTER, INC.,

Defendants.

Pursuant to Civil Local Rule 3-12, the undersigned brings this administrative motion to relate the action styled Albeck v. Apple Inc., et al., Case No. C11-4110 LB filed August 19, 2011, with the instant case.

Civil Local Rule 3-12(a) states that an action is related to another when they “concern substantially the same parties, property, transaction or event” and it “appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” The Albeck action referenced above meets Local Rule 3-12’s criteria for relatedness. Both cases are putative class actions (covering identical time periods) brought on behalf of purchasers of e-Books and contain similar allegations against the same defendants. Both cases allege a conspiracy to fix, raise, maintain, and stabilize the price at which eBooks were sold in the United States. Based on the foregoing similarities, there will be an unduly burdensome duplication of labor and expense or conflicting results if these cases are not

1 deemed related and assigned to a single Judge. Relating these cases will promote the
2 just and efficient conduct of these actions. Accordingly, plaintiff respectfully requests
3 that Albeck v. Apple Inc., et al., Case No. C11-4110 LB be administratively related to
4 the instant action.

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6 Dated: August 24, 2011

Respectfully Submitted,

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8 KELLER GROVER LLP

9 By: /s/ Jade Butman
10 JADE BUTMAN

11 Attorneys for Plaintiff
12 Andreas Albeck
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